

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed November 28, 2007. At the time of the Office Action, Claims 1-37 were pending in the Application.

Section 103 Rejection

The Examiner rejects Claims 1-37 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,324,409 issued to Shaffer, et al. (hereinafter "*Shaffer*").

As a preliminary matter, Applicant would like to acknowledge that he understands the Examiner's stance after reviewing the Office Action numerous times. However, there are clear differences between the inventor's previous work in this area and the subject matter of the pending case. Applicant is hopeful that he can guide the Examiner through these differences and, further, endeavors to distinguish several important features of Applicant's architecture.

The recitations at issue address encoding. Within the current encoding scheme are nuances not found in the primary reference: *Shaffer*. In addition, there are completely new functionalities that are not even suggested or remotely discussed in the Examiner's main reference.

For example, Independent Claim 1 recites: "...receive a call setup message from the first network, the call setup message signaling for a media channel for transporting media between a first device and a second device; identify a first encoding format for the media communicated with the first network; determine a second encoding format for the media communicated with the second network; if the first encoding format and the second encoding format are different, modify transcoding information in the call setup message, the transcoding information indicating a number of transcoding points on the media channel; identify a remote element to receive the call setup message; and transmit the call setup message to the remote element." Thus, Independent Claim 1 is addressing communications from *two networks* and for *two different encoding forms*. Second, where these two are indeed different, then the *transcoding information* (specifically, *transcoding information with the call set-up message*) is modified. Third, the transcoding information identifies a number of transcoding points: an identification not even remotely discussed in *Shaffer*.

Fourth, a target (the remote element) is identified to receive this *now modified* call setup message. Finally, the modified call setup message is sent to this remote element.

In contrast, *Shaffer* offers an overview of how end-to-end coding might occur. In some instances, the coding to be performed is simply determined by a given device's current protocol. For example, if the receiving end is using "X" coding, then the whole transmission gets that treatment. In other instances, formats are converted along the path in a haphazard fashion. In short: There is simply no intelligence in the arbitrary encoding elections of *Shaffer*. Moreover, in a conclusory way, *Shaffer* discloses "...all the connections [along the transmission line] in a call may work together to produce an optimal end-to-end series of conversions resulting in optimal telecommunication signal quality." See *Shaffer* at Column 7, lines 38-45. This generic overture, in combination with all of the discussions of Column 8 in *Shaffer*, does not offer the requisite teachings to support a proper §103 rejection.

Unlike *Shaffer*, Independent Claim 1 specifically outlines a precise methodology for addressing such an encoding scenario. Initially, a first encoding format is identified for the media communicated with the *first network*. Then, a second encoding format is identified for the media communicated with the *second network*. Where there's no consistency in these two formats, the call setup message is modified to account for this. Specifically, it is the transcoding information, which would now *indicate a number of transcoding points on the media channel*. Nothing in *Shaffer* does this. Furthermore, nothing in *Shaffer* identifies a remote element to receive the call setup message: the call setup message that is *now modified*. For at least this reasons, Independent Claim 1 is clearly patentable over *Shaffer*.

The other Independent Claims recite limitations similar, but not identical, to those recited in Independent Claim 1. Therefore, these claims are also allowable, for example, for the same reasons as identified above. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous reasons.

Accordingly, all of the pending claims have been shown to be allowable, as they are patentable over the cited references. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

ATTORNEY DOCKET NO.
062891.1119
Confirmation No. 5547

PATENT APPLICATION
10/675,158

13

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

The Commissioner is hereby authorized to charge an amount of \$810.00 to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e) to Deposit Account No. 02-0384 of Baker Botts L.L.P. In addition, the Commissioner is hereby authorized to charge any discrepancies or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214-953-6675.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant


Thomas J. Frame
Reg. No. 47,232

Date: December 14, 2007

Customer No. **05073**